Sexual Harassment

Objectives

- Define Sexual Harassment
- Understand Your Rights and Responsibilities
- Eliminate Potential Sexual Harassment Situations
- Define Sexual Assault

Agenda

- **Overview of Current Requirements**
- **Sexual Harassment Vs. Sex Discrimination**
- **Key Definitions and Concepts**
- **Rights and Responsibilities**

Agenda Cont.

- Responding Constructively To Sexual Harassment
- Eliminating Potential Sexual Harassment Situations
- Sexual Harassment Vs. Sexual Assault
- Impact: Everyone Loses

Define:

Harassment

Harassment:

Unwanted and Unnecessary

Can be Criminal

Sexual Harassment Is Unwelcomed Behavior,

Which Is Sexual in Nature

Sexual Harassment Violates:

- Title VII, Civil Rights Act of 1964, Amended 1972, 1991
- The Civil Service Reform Act
- The Office of Personnel Management Policy
- Code of Conduct for Federal Employees

Sexual Harassment

Violates Cont.:

- AR 600-50, Standards of Conduct for DA Personnel
- AF 30-30, Standards of Conduct
- AF 30-2, Military Equal Opportunity
- ANGR 30-2, Air National Guard
- ARNGR 600-21& 22, AENGR 36-3

Sexual Harassment is *Unwelcomed Sexual Conduct* Resulting In:

- **A Term or Condition of Employment**

Or

- **An Employment Decision**

Or

- **An Offensive Work Environment**

Types of Sexual Harassment

Term or Condition of Employment Decision	Quid Pro Quo
Disruptive/Offensive Work Environment	Hostile Work Environment

Examples of Sexual Conduct

- Exposure of Sexual Parts
- Grabbing
- Pinching
- Hugging/ Kissing
- Stroking/ Rubbing/ Massaging
- Sexual Propositions

Examples of Sexual Conduct Cont.

- Pressure for Dates
- Sexual Gestures
- Sexually Explicit Pictures/ Drawings
- Sexual Written Materials(Poster, Calendars, Magazines, etc.)
- Cornering/ Blocking
- Ogling/ Leering

Exercise

Identify Examples of Sexual Harassment

Actual, Potential or Perceived

Sexual Harassment Costs!

The Impact: Everyone Loses

- **Impaired Work & Mission Performance (Unit, Victim, & Harasser)**
- **Undermines Unit Chain Of Command**
- **Creates Unhealthy Climate of Fear, Suspicion & Distrust**
- **Victim: Work Avoidance-Excessive Sick Call, Tardiness/Absences**
- **Victim: Fear, Anxiety, Guilt & Depression**
- **Victim: Fear of Consequences:**

Sexual Harassment

The Impact : Everyone Loses

- **Harasser: Loss of Respect, Impaired Ability to Lead, Career Jeopardized, Work Relationships Compromised, & Families Destroyed**

UCMJ- Punishable By:

Making Sexual Comments or Gestures

- **Article 89:** Disrespect Toward Superior Officer
- **Article 91:** Insubordinate Conduct To a WO/NCO
- **Article 117:** Provoking Speech & Gestures
- **Article 134:** Indecent Language

Influencing/Threatening Career, Pay

UCMJ- Punishable By:

Making Unsolicited or Unwelcome Sexual Contact w/

Intent to Gratify Lust or Sexual Desire

- **Article 134**: Indecent Assault

Threatening the Career, Job or Salary of a Person

Unless He or She "Cooperates"

- **Article 127**: Extortion
- **Article 134**: Communicating a Threat

Offering Rewards for Sexual Favors/ Behaviors

- **Article 134**: Bribery & Graft

UCMJ- Punishable By:

<u>Engaging in or Condoning Sexual Harassment Behavior</u>

- **Article 92:** Failure to Obey an Order or Regulation
- **Article 133:** Conduct Unbecoming to an Officer
- **Article 77:** Violating Principle

Administrative Actions

- Counseling & Additional Training
- Reassignment / Transfer
- Oral or Written Reprimand
- Adverse Performance Evaluation (OER/NCOER)
- Relief for Cause (OER/NCOER)
- Relief for Duty
- Bar to Reenlistment

Common Sense Test: Ask the Following Questions

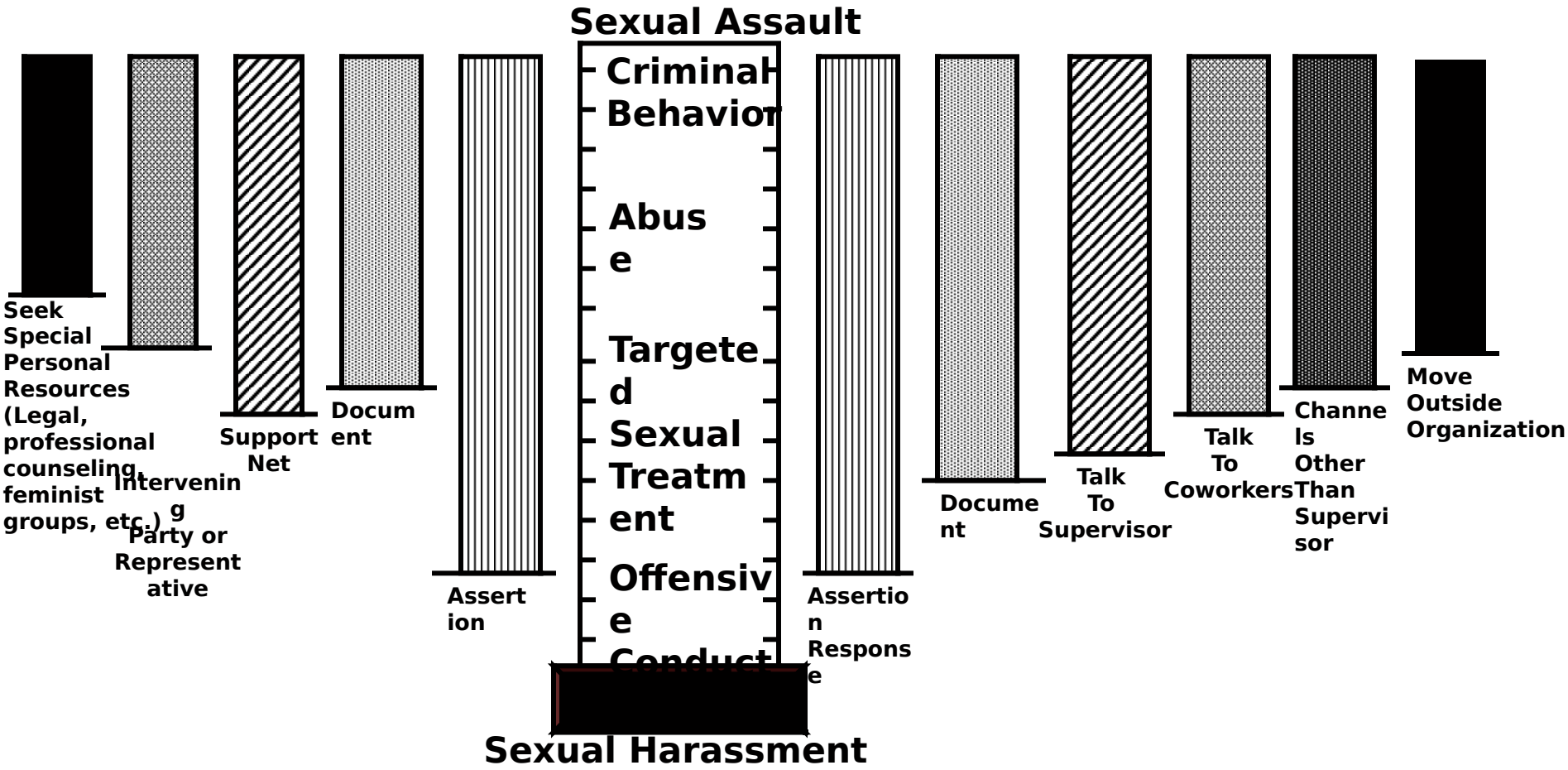
- **Is the Conduct *Sexual* in Nature/ Connotation?**
- **Is the Conduct *Unwelcome* by Any Person**
  Subjected to it?
- **Does the Conduct Create a *Hostile/ Offensive***
  Work Environment?

REASONABLE PERSON STANDARD

- In judging whether the incident is Sexual Harassment it must be viewed from the perspective of a Typical, Reasonable Third Party.

- **Would a reasonable person find that behavior hostile, offensive, or intimidating and adversely affect his/her ability**

Employee Action Chart



Supervisory Responsibility

- Communicate Expectations
- Control Behavior
- Take Corrective Actions

Organizational Responsibility

Take Immediate And Appropriate Corrective Action